

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES FOR THE USE
AND BENEFIT OF PHOENIX
METALS COMPANY, a foreign
corporation

Plaintiff,

v.

Case No.: 2:20-cv-148-FtM-38NPM

WORTHFAB, LLC,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation. ([Doc. 31](#)). Judge Mizell recommends granting Plaintiff's Renewed Motion for Default Judgment Against Defendant Worthfab, LLC. Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those

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portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

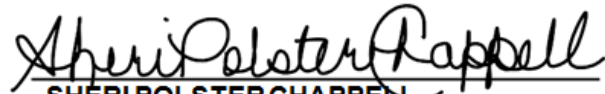
After examining the file independently and upon considering Judge Mizell’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 31](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) Plaintiff’s Renewed Motion for Default Judgment Against Defendant Worthfab LLC ([Doc. 30](#)) is **GRANTED**.
- (3) The Clerk is **DIRECTED** to enter a default judgment on Count II (breach of contract) against] Worthfab, LLC for **\$6,973.81, plus post-judgment interest** accruing at the legal rate established by 28 U.S.C. § 1961, and costs to be taxed in the amount of **\$625.00**.
- (4) The Clerk is further **DIRECTED** to terminate any deadlines and close the file.

DONE and **ORDERED** in Fort Myers, Florida on November 2, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record